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Patent
Attorney's Docket No. P2380-505

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	Mail Stop Appeal Brief-Patents
)	
David G. OPSTAD et al.)	Group Art Unit: 2672
)	
Application No.: 09/306,888)	Examiner: T. Havan
)	
Filed: May 7, 1999)	Appeal No.: Unassigned
)	
For: AUTOMATIC SYNTHESIS OF FONT)	Confirmation No.: 4127
TABLES FOR CHARACTER)	
LAYOUT)	

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REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellants respectfully submit this reply brief in response to the Examiner's Answer, mailed on February 9, 2004.

SUPPLEMENTAL ARGUMENTS

In the Examiner's Response to Argument (see Section (11) of the Examiner's Answer), several points were raised that will now be addressed.

The Answer Fails to Address Numerous Arguments Presented in the Brief and in the Supplemental Brief

First, it is asserted that in the Supplemental Appeal Brief, at page 3, lines 16-18, Appellants based their arguments concerning claims 1-9, 11-13, 16-20, 22-27 and 29-31 "on the contention that Sonnenschein and Patel fail to show the essential element of determining whether the font contains a predetermined data table that pertains to the layout of glyphs and automatically synthesizing [the] data table based upon data contained in the font if the font is determined not to contain [the] data table." (See Section 11, lines 1-6.)

In response, Appellants point out that the cited portion of the Supplemental brief is specifically directed to independent claim 1. This section of the Supplemental Brief also includes a number of additional arguments concerning claim 1 that are not addressed by the Answer. Additionally, Appellants set forth separate arguments for each of independent claims 1, 11, 16, 26 and 29. Aside from independent claim 1, the Examiner does not mention these particular independent claims in the Response to Arguments section of the Answer. Nor does the Examiner address any of Appellants' arguments directed to the dependent claims. It is respectfully submitted that it is not proper for the Examiner to group these independent claims together, as well as the dependent claims, as was done in the first two paragraphs of Section 11 of the Answer. These claims are separately argued in the Brief and in the Supplemental Brief and should have been evaluated as such by the Examiner. Moreover, the Examiner's generalized treatment of claims of differing scope does not serve to clarify the issues in this appeal, and certainly does not address the particular combination of features recited in each claim.

Appellants would further point out that these statements by the Examiner are characteristic of the rejection as a whole, which overlooks several points of distinction recited in the claims and pointed out by Appellants in the Brief and Supplemental Brief. The Response to Argument of the Answer (Section 11), in fact, makes no reference to any particular one of Appellants' arguments in the June 26, 2003 Brief. Nor does Section 11 even mention the Patel et al. patent, much less address the arguments set forth in the Brief and Supplemental Brief that are directed to this reference and its proposed combination with Sonnenschein.¹ Rather, the Examiner's response to Appellants' arguments presents only newly raised issues including new citations to several parts of the Sonnenschein patent.

These new issues are addressed in the following:

¹ See the Brief, page 11, line 11 to page 13, line 19; page 14, the last paragraph to page 15, line 4 and line 22 to the end of page 17; and the Supplemental Brief, at page 5, line 9 to page 6, line 20; page 7, line 8 to page 8, line 18; and page 9, line 6 to the end of the page.

The Examiner Changes the Rational for the Rejection of Claims 1, 6, 16, 22 and 29

With respect to independent claim 1, in the Answer, at Section 11, lines 10-14, the Examiner refers to column 4, lines 41-52, column 5, lines 12 to column 7, line 6, and Figures 2 and 4-6 of the Sonnenschein patent and alleges that these parts of the patent disclose the claimed steps of determining whether the font contains a predetermined data table that pertains to the layout of glyphs, and automatically synthesizing the data table based upon data contained in the font if the font is determined not to contain the data table. It is to be noted that this allegation clearly contradicts what is stated in the Answer, at page 4, lines 11 to page 5, line 6, where the Examiner acknowledged that Sonnenschein did not disclose constructing a table (i.e., the Examiner relied on the Patel et al. patent for allegedly teaching the missing claimed feature of automatically synthesizing the data table). It is respectfully submitted, however, that the Sonnenschein patent does not disclose these features of claim 1, for reasons pointed out in the Brief, in Section VIII, part 1 (the entirety) and part 3 (page 7 to line 5 of page 11), and in the Supplemental Brief, at page 3, line 13 to page 5, line 8.

As pointed out therein, Figures 4-6 of Sonnenschein do not represent in any way a predetermined data table pertaining to the layouts of glyphs in the context in which this feature is recited in claim 1. For instance, claim 1 recites the steps of “retrieving glyphs from *a* font ...”, “determining whether *the* font contains a predetermined data table ...”, and “automatically synthesizing *said* data table, based upon data contained in *the* font” In other words, information from a font that is being employed to generate images is used for the creation of a data table missing from *that* font. There is simply no teaching, nor is there any suggestion in the Sonnenschein patent that *a font* would store one of illustrated strings of Figures 4-6, which include characters of different fonts. Rather, these figures of Sonnenschein show, for conceptual purposes, how the fonts would appear after a text subsystem attempts to map each character in a text string to a valid glyph of a font. As a result of this process, the characters of the inserted text string may be mapped to *several different fonts*, as is illustrated in Figures 4-6 of Sonnenschein. Even if one were to consider, for the sake of argument, that these illustrated mappings could somehow be characterized as

“tables that pertain to the layout of glyphs,” each would be not predetermined tables that would be contained in *a font*.

Next, the Examiner newly asserts that the Sonnenschein patent allegedly teaches building a font map that contains information about individual glyphs in the font (in column 5, line 39 to column 6, line 57), determining relationships between items of information in the font map (in column 8, lines 1-37), and constructing a table which identifies the relationships (in Figures 7 and 8a-8f). In page 7, lines 12-18 of the Answer, the Examiner also reproduces statements from column 6, line 64 to column 7, line 6 of the Sonnenschein patent and purports this disclosure to support the new allegations. While the Examiner does not identify which claim(s) she is referring to, it appears that this statement is directed to claims 6, 16, 22 and 29. It is noted that these new allegations also constitute a marked shift from the Examiner's previous position in the Answer. For instance, in the Answer, at page 5, line 12 to page 6, 16, 22 and 29 line 4 the Examiner's position was predicated on Sonnenschein not disclosing the claimed feature of constructing a table. Instead, the Answer relies on the Patel patent for allegedly teaching this feature. (Also see the October 2, 2003 Office Action, pages 5, line 19 to page 6, line 11.) As with claim 1, the Examiner now appears to be holding two contradictory positions with respect to claims 6, 16, 22 and 29. It is respectfully submitted, however, that neither of these positions establishes a *prima facie* case. The Board is referred to the arguments of the Brief and the Supplemental Brief with respect to the one position concerning the proposed combination of Sonnenschein and Patel et al., and to the following with respect to the new arguments concerning only Sonnenschein.

First, the mapping described in column 5, line 39 to column 6, line 57 of Sonnenschein pertains to determining whether a valid glyph of a font is available for a character being considered in an iterative process involving an inserted text character string. In essence, the mapping described in Sonnenschein concerns attempting to map a character code of a text string character to a valid glyph using tables already present in the system. Sonnenschein does not, however, disclose anything whatsoever concerning *building a font map* that contains information about individual glyphs in the font, as recited in claims 6, 16,

22 and 29. Rather, Sonnenschein looks to existing font character mapping tables. (See Figure 2A, item 240 and column 5, lines 51-54.)

Next, it is respectfully submitted that the description in column 8, lines 1-37 of Sonnenschein of a changing the typing font while transliterating, and applying a font style does not disclose or suggest anything with regard to *determining relationships* between items of information *in the font map*, as set forth in the context of claims.

Finally, claims 6, 16, 22 and 29 recite the feature of “constructing a table *which identifies said relationships*.” This feature is not discussed, nor is it suggested in the logic of Sonnenschein’s Figure 7 or in column 8, lines 1-37, especially when considered in combination with the other features of the claims.

Section 11 of the Answer concludes with the Examiner newly asserting that the feature of “automatically synthesizing a data table that contains information glyphs in a font” has not been given patentable weight because the recitation only occurs in the preamble of claim 16.

In response, Appellants respectfully submit this language should be afforded patentable weight because that the body of the claim refers back to the preamble for completeness. For instance, claim 16 recites a step of “building a font map that contains information about individual glyphs in *the font*.” This font being referred to here is the font (i.e., “a font”) recited in the preamble of claim 16. It is respectfully submitted that this direct reference in the body of the claim to the preamble allows the preamble to breath life and meaning into the claim as a whole. This is further evident for the nature of the wordage of the preamble and the claim body. For instance, the preamble recites *synthesizing* a data table and the body of the claim recites steps including, *inter alia*, *building* a font map and *constructing* a table. It is respectfully submitted that the relationship of these recitations also allow the preamble to breath life and meaning into the claim as a whole. In any event, the Sonnenschein patent does not disclose or suggest the combination of steps recited in the body of claim 16, for the reasons pointed out above.

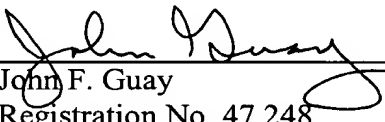
CONCLUSION

For all of the foregoing reasons, it is respectfully submitted that the Examiner's rejection of claims 1-9, 11-13, 16-20, 22-27 and 29-31 were erroneous. Reversal of her rejection is respectfully requested.

Respectfully submitted,

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